

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37423

STATE OF IDAHO,)	2010 Unpublished Opinion No. 640
)	
Plaintiff-Respondent,)	Filed: September 10, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
RICHARD CAMARILLO,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. G. Richard Bevan, District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two years, for possession of a controlled substance, dismissed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Richard Camarillo pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The parties entered into a binding I.C.R. 11 plea agreement. Pursuant to the agreement and in exchange for Camarillo's guilty plea, the state dismissed an additional charge, agreed not to file a habitual violator enhancement, and agreed to recommend a unified sentence of seven years, with four years fixed. Camarillo waived his right to appeal his sentence provided that the district court did not exceed the state's recommendation. The district court sentenced Camarillo to a unified term of seven years, with a minimum period of confinement of two years. Camarillo appeals.

We hold that Camarillo's appellate challenge to the excessiveness of his sentence has been waived by his plea agreement. *See* I.C.R. 11(f)(1); *State v. Rodriguez*, 142 Idaho 786, 787, 133 P.3d 1251, 1252 (Ct. App. 2006). Camarillo's plea agreement contained a clause by which Camarillo waived his right to appeal his sentence. Accordingly, we dismiss Camarillo's appeal.